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November 10, 2005

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The Honorable Marianne B. Bowler  
United States District Court of Massachusetts  
United States Courthouse  
1 Courthouse Way, Suite 2300  
Boston, MA 02210

Re: In re Pharmaceutical Industry Average Wholesale Price Litigation, MDL No. 1456

Dear Judge Bowler:

As you requested in yesterday's hearing in the above-referenced case, I write on behalf of the Track One Defendants regarding three pending motions: Plaintiffs' Motion for Extension of Time to Extend Expert Witness Disclosures and Discovery (Docket No. 1694), Track One Defendants' Motion to Preclude Plaintiffs' Expert Evidence on Liability or For Other Sanctions (Docket No. 1769), and Plaintiffs' Motion to Compel Production of IMS Data and Reports (Docket No. 1794). These matters are fully briefed and currently before the Court.

We renew our request, previously made in our letter of November 2, 2005, that these three motions be heard together. The issues presented in these motions are closely related because each implicates Case Management Order Number 13 ("CMO 13"). Specifically, these motions implicate the deadlines - and the dispute regarding compliance with the deadlines - for the close of discovery and the filing of expert reports set forth in CMO 13. Given the similarity in the issues presented, and in the interest of time and efficiency, we respectfully suggest that these motions be heard in a single hearing by Judge Saris.

We appreciate the Court's clarification at the hearing yesterday that Defendants are not obligated to file their expert reports until at least 45 days after Plaintiffs have filed their expert reports. At the same time, we are eager to move this case forward towards resolution. To that end, we respectfully suggest that the motions represented by Docket Numbers 1694, 1769, and 1794 be heard together by the Court.

Very truly yours,

A handwritten signature in cursive script that reads "John T. Montgomery".

John T. Montgomery

cc: All counsel of record (via Lexis File & Serve)